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10/027,369	12/20/2001	David L. Henty	DLHI.PAU.03	9652

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07/27/2007

EXAMINER

KUMAR, SRILAKSHMI K

ART UNIT	PAPER NUMBER
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2629

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/027,369

Applicant(s)

HENTY, DAVID L.

Examiner

Srilakshmi K. Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

The following office action is in response to the Request for Reconsideration, filed on April 23, 2007. Claims 1-24 are pending.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-4, 6-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsien (US 6,441,804) in view of Klein (US 6,259,367).

As to independent claim 1, Hsien discloses a wireless mouse (col. 2, lines 65, Fig. 1, item 24, wireless cursor pointing device, shown to be a wireless mouse in col. 3, lines 5-8) and reader combination (Fig. 1, item 34, col. 3, lines 1-4), comprising: a source of an interrogating field (Fig. 1, the distance between 24 and 34); a wireless mouse having a mouse motion encoder (col. 3, lines 12-24, shown by the x-axis (40) and y-axis (44) position generators, for generating positions of the mouse), an antenna (90), and an RF circuit (transmitter circuit 28 with an RF amplifier (82)) coupled to the antenna (col. 3, lines 44-61) and associated with the motion encoder and providing a RF signal identifying mouse motion (col. 3, lines 44-61); and a reader (34) including a decoder (164, demodulation circuit) for receiving RF signals from the wireless mouse (col. 7, lines 27-55) and detecting the data sent from the RF tag passive transponder circuit (col. 7, lines 27-55) and the mouse motion information from the mouse RF circuit (col. 7,

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lines 15-20, where the reader receives signals from the transmitter in the wireless mouse about motion).

Hsien does not disclose wherein the wireless mouse and reader combination is adapted for use with a separate independently movable RFID tag, the tag having data stored therein and a passive transponder circuit, and wherein the reader receives RF signals from the separate and independently movable RFID tag.

Klein teaches an electronic computer system comprising a reader for use with a separately independently movable RFID tag (col. 2, lines 51-60). The RFID tag has data stored therein and a passive transponder circuit (col. 2, line 61-col. 3, line 7), and wherein the reader receives RF signals from the separate and independently movable RFID tag (col. 2, line 51-col. 3, line 7).

It would have been obvious to one of ordinary skill in the art to include the RFID tagged products to be read as shown by Klein into the system of Hsien as the RFID tagging facilitates locating and/or retrieving of objects by radio frequency (Klein col. 3, lines 44-49).

As to independent claim 10, Hsien discloses a wireless keyboard (col. 2, lines 65, Fig. 1, item 24, wireless cursor pointing device, shown to be a wireless keyboard in col. 3, lines 5-8) and reader combination (Fig. 1, item 34, col. 3, lines 1-4), comprising: a source of an interrogating field (Fig. 1, the distance between 24 and 34); a wireless keyboard having a plurality of keys, an antenna(90), and an RF circuit (transmitter circuit 28 with an RF amplifier (82)) coupled to the antenna (col. 3, lines 44-61) and providing a RF signal identifying key activation (col. 3, lines 44-61) ; and a reader (34) including a decoder (164, demodulation circuit) for receiving RF signals from the wireless keyboard (col. 7, lines 27-55) and detecting the data

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sent from the RF tag passive transponder circuit (col. 7, lines 27-55) and the key activation information from the keyboard RF circuit (col. 7, lines 15-20, where the reader receives signals from the transmitter in the wireless keyboard activation); although the embodiment is shown to be a wireless cursor pointing device with the example of a wireless mouse, Hsien discloses in col. 3, lines 5-8 where it is well known in the art to use a wireless keyboard with the same system and would be the same type of signals transmitted and received.

Hsien does not disclose wherein the wireless mouse and reader combination is adapted for use with a separate independently movable RFID tag, the tag having data stored therein and a passive transponder circuit, and wherein the reader receives RF signals from the separate and independently movable RFID tag.

Klein teaches an electronic computer system comprising a reader for use with a separately independently movable RFID tag (col. 2, lines 51-60). The RFID tag has data stored therein and a passive transponder circuit (col. 2, line 61-col. 3, line 7), and wherein the reader receives RF signals from the separate and independently movable RFID tag (col. 2, line 51-col. 3, line 7).

It would have been obvious to one of ordinary skill in the art to include the RFID tagged products to be read as shown by Klein into the system of Hsien as the RFID tagging facilitates locating and/or retrieving of objects by radio frequency (Klein col. 3, lines 44-49).

As to dependent claims 2 and 11, limitations of claims 1 and 10, further comprising, Klein teaches wherein said RFID tag is attached to a product and wherein the data stored in said RFID tag comprises product related information (col. 4, lines 19-26).

As to dependent claims 3 and 12, limitations of claims 1 and 10, further comprising, Klein teaches wherein said RFID tag is attached to a smart card and wherein the data stored in said RFID tag comprises financial information (col. 1, lines 60-67 and col. 6, lines 59-65)

As to dependent claims 4 and 13, limitations of claims 1 and 10, further comprising, Klein teaches wherein the data stored in said RFID tag comprises internet address location information (col. 3, lines 3-11).

As to dependent claim 6, limitations of claim 1, further comprising, Hsien teaches wherein said reader detects first and second RF frequencies (col. 7, lines 15-55, multiple RF frequencies can be detected) and wherein said RFID tag transponder circuit and mouse RF circuit are operative at said first and second frequencies (col. 7, lines 15-55), respectively.

As to dependent claim 7, limitations of claim 1, further comprising, Hsien teaches wherein said reader comprises an antenna for receiving RF signals from both the RFID tag and wireless mouse (col. 7, lines 15-55, multiple RF frequencies can be detected).

As to dependent claims 8 and 16, limitations of claims 7 and 10, further comprising, Hsien teaches wherein said source of an interrogating field comprises said reader antenna (150, col. 7, lines 15-20).

As to dependent claim 9, limitations of claim 1, further comprising, Hsien teaches wherein said mouse RF circuit comprises one or more passive transponder circuits responsive to said interrogating field (col. 7, lines 15-55).

As to dependent claim 14, limitations of claim 10, further comprising, Hsien teaches wherein said reader detects first and second RF frequencies (col. 7, lines 15-55, multiple RF frequencies can be detected) and wherein said RFID tag transponder circuit and said keyboard

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RF circuit are operative at said first and second frequencies (col. 7, lines 15-55, multiple RF frequencies can be detected), respectively.

As to dependent claim 15, limitations of claim 10, further comprising, Hsien teaches wherein said reader comprises an antenna (150) for receiving RF signals from both the RFID tag and wireless keyboard (col. 7, lines 15-20).

As to dependent claim 17, limitations of claim 10, further comprising, Hsien teaches wherein said keyboard RF circuit comprises one or more passive transponder circuits responsive to said interrogating field (col. 7, lines 15-55).

As to dependent claim 18, limitations of claim 10, further comprising, Hsien teaches wherein said reader detects the data sent from the RFID tag passive transponder circuit and the key activation information from the keyboard RF circuit, during first and second time slots (col. 7, lines 15-55, multiple RF frequencies can be detected), respectively.

As to independent claim 19, limitations of claims 1 and 10, and further comprising, Hsien teaches a computer system (Fig. 1, item 10) comprising; a processor (personal computer, item 18, a processor while not explicitly stated, is inherent to a computer). Hsien fails to teach where the computer system comprises a monitor. Klein teaches a computer system (Fig. 32), comprising a monitor for displaying information (col. 3, lines 7-10, wherein a web browser is launched on a monitor). It would have been obvious to one of ordinary skill in the art to include the monitor as taught by Klein into the computer system of Hsien as the monitor enables users to view information (Klein, col. 3, lines 7-10).

As to independent claim 20, is a method claim of claims 1 and 10, thus is rejected in the same manner.

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As to dependent claim 21, limitations of claim 19, further comprising, Hsien teaches wherein the wireless manual input device is a keyboard or a mouse (col. 3, lines 5-8); Klein teaches wherein the RFID tag contains security data for access to the computer system (col. 2, line 51-col. 3, line 7, col. 6, lines 59-65).

As to dependent claim 22, limitations of claim 20, further comprising, Hsien teaches wherein the wireless manual input device is a keyboard or mouse (col. 3, lines 5-8); Klein teaches wherein the reader is configured in the computer system (col. 2, line 51-col. 3, line 7).

As to dependent claim 23, limitations of claim 22, further comprising, Klein teaches wherein the RFID tag contains security data for access to the computer system (col. 2, line 51-col. 3, line 7, col. 6, lines 59-65).

As to dependent claim 24, limitations of claim 20, further comprising, Hsien teaches wherein the second RF field is a second modulated return field (col. 7, lines 15-55).

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsien in view of Klein as applied to claim 1 above, and further in view of Liu et al (6,445,379).

As to dependent claim 5, limitations of claim 1, further comprising, Hsien as modified by Klein do not wherein said motion encoder comprises a ball adapted to rotate in response to mouse motion and X and Y encoder wheels coupled to the ball so as to respectively rotate in response to mouse motion in perpendicular directions and wherein said XY encoder wheels further comprise a circuit element coupled to said RF circuit so as to tune and detune said RF circuit in response to mouse motion in X and Y directions

Liu et al teach a wireless mouse wherein said motion encoder comprises a ball (Fig. 1, item 23, col. 2, lines 32-37) adapted to rotate in response to mouse motion (col. 2, lines 32-



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37) and X and Y encoder wheels (Fig. 1, shown by wheels, one in the x-axis and one in the y-axis) coupled to the ball so as to respectively rotate in response to mouse motion in perpendicular directions (Fig. 1) and wherein said XY encoder wheels further comprise a circuit element coupled to said RF circuit so as to tune and detune said RF circuit in response to mouse motion in X and Y directions (col. 2, lines 32-67). It would have been obvious to one of ordinary skill in the art to include the inner workings of the wireless mouse as shown by Liu et al into the system of Hsien as modified by Klein, as the system of Hsien as modified by Klein teaches a wireless mouse but does not disclose the internal circuitry. The wireless mouse of Liu et al is advantageous as it is practical and has a low malfunction rate is lightweight as disclosed by Liu et al in col. 1, lines 7-12).

#### ***Response to Arguments***

4. Applicant's arguments filed April 23, 2007 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Applicant suggest where the prior art of Klein is a capacitatively coupled system and would not work with a RF FM transmission system of Hsien. Examiner, respectfully, disagrees. The prior art of Hsien teaches a transmitter and receiver for use in

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wireless system in order transmit and receive signals. The prior art of Klein teaches a wireless system in order transmit and receive wireless signals based on RFID (Radio Frequency Identification) tags. In col. 2, lines 51-60, Klein teaches a computer system wherein the input device is adapted to read a RFID readable code from a data carrier and transit to said client computer. Thus teaching a proper combination where the wireless system transmits and receives wireless signals and uses RFID tagging.

5. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

The combination of Hsien in view of Klein teach the limitations set forth in the instant application. Therefore, the rejection is maintained and made FINAL.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 571 272 7769. The examiner can normally be reached on 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue Lefkowitz can be reached on 571 272 3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Srilakshmi K Kumar  
Examiner  
Art Unit 2629

SKK July 11, 2007



SUMATI LEFKOWITZ  
SUPERVISORY PATENT EXAMINER